MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2016/2017

TCL2501 – CYBER LAW ON E-COMMERCE

(All sections / Groups)

1 JUNE 2017
9.00 a.m – 11.00 a.m
(2 Hours)

INSTRUCTION TO STUDENT

1. This Question paper consists of 6 pages.
2. **PART A** with 10 questions is compulsory.
3. Attempt **ALL FOUR** questions from **PART B**. All questions carry equal marks and the distribution of the marks for each question is given.
4. Please print all your answers in the Answer Booklet provided.

PART A: Multiple Choice Questions (10 marks)

1. All participants from _____ e-commerce are businesses or organizations. The examples are e-distributors, e-procument companies and private industrial networks.
   a. Business-to-Business
   b. Business-to-Consumer
   c. Consumer-to-Consumer
   d. Consumer-to-Business

2. The global characteristic of E-Commerce businesses affects Intellectual Property (IP) in a number of ways **EXCEPT**:
   a. Laws affecting IP vary among countries so levels of protection may be different.
   b. Difficult to find the infringer and enforce IP rights that are violated on the Internet.
   c. Unclear what courts will have jurisdiction over disputes relating to E-Commerce and IP.
   d. No way to check the IP application before it is filed.

3. Which of the below is **NOT** the cyberspace concept?
   a. Cyberspace refers to objects and identities that exist largely within the computing network itself.
   b. Cyberspace is a common idea that means several types of virtual reality.
   c. The laws of the particular nation state would be applied for the events taking place on Internet.
   d. The law to prosecute criminals in cyberspace is called Cyber Law.

4. Nigerian Letter Scam is belonged to which type of cyber-attacks?
   a. Phishing
   b. Trojan Horse Attack
   c. Transactional fraud
   d. Email Spam

5. Consideration can be classified as the below **EXCEPT**:
   a. Executed
   b. Past
   c. Executory
   d. Breach

6. Which of the representations below can be registered as a Trade Mark?
   a. Their Royal Highnesses the Sultans
   b. Tiger
   c. Mosque
   d. Red Crescent

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7. Which of the below is **NOT** a type of E-Commerce fraud?
   a. Consumer-type fraud
   b. Investment-type fraud
   c. Business-type fraud
   d. Digital-type fraud

8. "The Act provides for clear definitions on criminal activities related to use of computers such as cyber fraud, illegal access, interceptions, and illegal use of computer in the digital era". Which act is best applied in this scenario?
   a. Copyright Act 1997
   b. Computer Crime Act 1997
   c. Digital Signature Act 1997
   d. Telemedicine Act 1997

9. Which of the activities below is **NOT** involved in the Step: "Processing the scene" in computer forensic?
   a. Identify and disable the network connections.
   b. Tag and label all physical components and record identifying information.
   c. Pack and pad components in boxes with static resistant packing.
   d. Make a mirror image backup of the hard drive.

10. Personal Data Protection Act 2010 includes the personal data protection principles **EXCEPT**:
    a. Data Integrity Principle
    b. Retention Principle
    c. Personal Principle
    d. Access Principle

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PART B: Structural Questions – Answer ALL FOUR questions. (40 marks)

Question 1

a. E-commerce has been becoming a booming industry all over the world. Though E-commerce offers many advantages to customers, business, society and nation, there are still some areas of concern that need to be addressed. Suggest **FOUR (4)** limitations of E-commerce from the non-technological aspect. [4 marks]

b. Cybercrime has been very much in the spotlight in recent years and it poses significant challenges for Cyber Law enforcers. Summarize **THREE (3)** challenges that the Cyber Law enforcers might be facing. [3 marks]

c. Explain how the Patent Law works in Malaysia. [3 marks]

Question 2

a. List **TWO (2)** possible activities that could be carried out in Evidence Examination, which is last step involved in Computer Forensic. [2 marks]

b. What is Strict Liability? Suggest any **TWO (2)** strategies to avoid strict liability. [4 marks]

c. Two new legislations will be introduced to provide legal certainty for e-transactions undertaken by businesses or Government. State the **TWO (2)** new legislations and its purpose. [2 marks]

d. What is the initial purpose of having the amendment on the Communications And Multimedia (Amendment) Bill 2004? [2 marks]

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Question 3

a. Contrast between personal data and sensitive personal data. [2 marks]

b. The Malaysian government made some progress in prosecuting manufacturers and vendors of pirated goods in 2003. The government took action against sixteen factories licensed under the Optical Disc Act 2000, and sealed their production lines pending prosecution for piracy. Describe briefly the Optical Disc Act 2000. What should the manufacturers do to comply with the act? [3 marks]

c. Name the cybercrime that best describe the following scenarios: [3 marks]

   i. James installed software at the back end of Leow's personal computer which will send all details Leow had entered to him.

   ii. James tried to catch a glimpse of Leow's secret code at the back of Leow while Leow was carrying out a transaction at a cash dispenser.

   iii. James monitored every move of Leow and harassed Leow on his email and facebook messenger.

d. Under Malaysia law, is there any difference on the offences made by a harmless hacker who defaces a webpage and a cyberterrorist who desires to cause injury? Explain. [2 marks]

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Question 4

a. You are the director of a fast food company, FoodHunt Sdn Bhd., and you have created a slogan "Great Taste, Great Speed". Given this scenario, answer the questions below:

   i. Under what circumstances you would register the slogan for trademark?
   ii. Name **ONE (1)** statute that governs the regulations of trademark protection in Malaysia. [2 marks]

b. Wilson, the owner of Wilson's Sandwiches contacted a new supplier, Sandy. He told Sandy that he will pay her $375 if Sandy delivers 25 packs of cheese the following morning. Sandy promised to make the delivery as requested by Wilson. In this scenario, what is the contract created between them? Then, give the definition of the contract that you have answered. [2 marks]

c. Patridge had placed an advertisement in a magazine that read 'Quality British bramblefinch cocks, bramblefinch hens.... 25s each.' The buyer responded to the advert, sending payment and he received the bird. Patridge was then charged with offering for sale a bird contrary to the Protection of Birds Act 1954. Patridge defensed and the Divisional Court followed previous rulings and agreed. Therefore no offence had been committed. In your opinion, how did Patridge defense so that he was free from an offence? [2 marks]

d. In order to be bound by a contract, a person must have the legal ability to form a contract in the first place, called capacity to contract.

   i. Give the definition of "Intoxicated Person" and "Adjudged Insane Person" in view of capacity to contract.
   ii. Explain how the contract can be voidable for these two types of persons. [4 marks]

End of Paper